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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 GARY RONNELL PERKINS,

10 Plaintiff,

11 v.

12 JUDITH HOLMES, *et al.*,

13 Defendants.  
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Case No. 1:23-cv-01607-JLT-EPG (PC)

**DISCOVERY ORDER REQUIRING  
PARTIES TO EXCHANGE  
DOCUMENTS**

15 To secure the just, speedy, and inexpensive disposition of this action,<sup>1</sup> the Court will  
16 direct that certain documents that are central to the dispute be promptly produced.<sup>2</sup>

17 Accordingly, IT IS ORDERED that:

- 18 1. Each party has sixty days from the date of service of this order to serve opposing  
19 parties, or their counsel, if represented, with copies of the following documents  
20 and/or evidence if they have them in their possession, custody, or control, to the  
21 extent these documents exist, are relevant, and the parties have not already done  
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23 <sup>1</sup> See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with  
24 the principle that the district court is charged with effectuating the speedy and orderly administration of  
25 justice. There is universal acceptance in the federal courts that, in carrying out this mandate, a district  
26 court has the authority to enter pretrial case management and discovery orders designed to ensure that  
the relevant issues to be tried are identified, that the parties have an opportunity to engage in appropriate  
discovery and that the parties are adequately and timely prepared so that the trial can proceed efficiently  
and intelligibly.”).

27 <sup>2</sup> Advisory Committee Notes to 1993 Amendment to Federal Rules of Civil Procedure regarding  
28 Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed does not prevent a court from  
requiring by order or local rule that the parties disclose additional information without a discovery  
request.”).

so. Defense counsel is requested to obtain these documents from Plaintiff's institution(s) of confinement. If defense counsel is unable to do so, defense counsel should inform Plaintiff that a third-party subpoena is required. This order applies to all documents including confidential documents. Moreover, the parties are required to produce these documents, or lodge objections as described below, without awaiting a discovery request.

- a. Documents regarding exhaustion of Plaintiff's claims, including 602s, Form 22s, and responses from the appeals, if any.
- b. Witness statements and evidence that were generated from investigation(s) related to the event(s) at issue in the complaint, such as an investigation stemming from the processing of Plaintiff's grievance(s), if any.<sup>3</sup>
- c. Plaintiff's medical records related to the incident(s) and/or condition(s) at issue in the case, if any.
- d. Documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment, if any.

2. If any party obtains documents and/or other evidence described above later in the case (including, but not limited to, documents and/or other evidence from a third party), that party shall provide all other parties with copies of the documents and/or evidence within thirty days. The failure of a party to comply

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<sup>3</sup> See *Woodford v. Ngo*, 548 U.S. 81, 94–95 (2006) (“[P]roper exhaustion improves the quality of those prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved.”).

The Court notes that Defendant(s) only need to produce documents such as a Confidential Appeal Inquiry or a Use of Force Critique to the extent those documents contain witness statements related to the incident(s) alleged in the complaint and/or evidence related to the incident(s) alleged in the complaint that will not be provided to Plaintiff separately.

1 with this requirement may result, among other things, in the party not being able  
2 to rely on the pertinent information later in the case.

- 3 3. Parties do not need to produce documents or evidence that they have already  
4 produced.
- 5 4. Parties do not need to produce documents or evidence that were provided to  
6 them by the opposing party.
- 7 5. Parties may object to producing any of the above-listed documents and/or  
8 evidence. Objections shall be filed with the Court and served on all other parties  
9 within sixty days from the date of service of this order (or within thirty days of  
10 receiving additional documents and/or evidence). The objection should include  
11 the basis for not providing the documents and/or evidence. If Defendant(s)  
12 object based on the official information privilege, Defendant(s) shall follow the  
13 procedures described in the Court's scheduling order.
- 14 6. If a party files an objection, all other parties have fourteen days from the date the  
15 objection is filed to file a response. If any party files a response to an objection,  
16 the Court will issue a ruling on the objection.

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18 IT IS SO ORDERED.

19 Dated: October 24, 2025

20 /s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE